

CITY OF BARDSTOWN
REGULAR COUNCIL MEETING MINUTES
8-25-09
7:00 P.M.

The City Council met in a regular session in the Council Chambers with Mayor J. Richard Heaton and the following Councilmen:

Councilman Reed
Councilman Williams
Councilman Lydian
Councilman Sheckles
Councilman Royalty
Councilman Simpson

Others present: Asst. City Administrator Green, Police Chief Marksbury, Public Works and Engineering Director Hamilton, City Civil Engineer Greenwell, City Electrical Engineer Mills, Chief Financial Officer Abell, City Attorney Donan, City Clerk Blincoe, WBRT/WOKH reporter Fred Hagan, WYSB reporter Tom Redmon, PLG-TV Director Tom Isaac, HRB Administrator Bogert, Citizens David Hall, Tom Hall and Kevin Brumley.

Mayor Heaton called the meeting to order at 7:00 p.m.

DRUG-FREE COMMUNITY GRANT

Community Prevention Center Director Tonda Lockett gave a short review of the grant that had been awarded to the City for year seven of the 10-year grant in the amount of \$125,000.00. This continuation grant must be filed each year in order to report the program's progress. She distributed copies detailing an upcoming program entitled "Parents Who Host Lose The Most". Councilman Royalty requested to see some statistics on the progress of the Drug-Prevention Center and Councilman Reed asked to receive information concerning drug testing for high school athletes.

HISTORICAL REVIEW BOARD RECOMMENDATIONS

The recommendations were presented as follows:

A. Certificates of Appropriateness

1. COA #09-36 [RECOMMENDED]

Beth and Darrell Hawkins propose to replace a rear two-story deck at 105 N. First St. with a two-story porch, supported by brick piers, and to replace the wood shingle roof of their house with Lamarte Slate (either Dusk Grey or Midnight Black). The proposed porch will be supported by six HB & G PermaCast round columns (12" first floor, 10" second floor), painted to match house trim; porch floor will be either TenduraPlank or Ipe; railings and balusters will be HB & G PermaCast Savannah, also painted to match house trim.

Recommendation: To recommend approval of the proposal to replace a rear two-story deck with a two-story porch at 105 N. First St., as specified in this application.

2. COA #09-37 [RECOMMENDED]

Thomas M. Brackett proposes to repair the front foundation of 111 E. John Fitch Ave. by removing a portion of the cement floor of the porch in order to gain access to the foundation. The floor will be repaired when foundation repairs to the front are completed. Mr. Brackett also requests that the large water maple in front of this house be removed. Phillip Grubbs, City Arborist, has recommended that this rotted tree be removed and stated that the City will plant a replacement tree on the right-of-way. Mr. Brackett subsequently withdrew the proposal to remove a portion of the concrete porch floor.

Recommendation: To recommend approval of the proposal to remove the tree, as specified in this application, and to have the repairs to the foundation and clapboard [as discussed at this meeting and at the July 13, 2009 HRB meeting with Mr. Brackett, COA #09-05], completed within sixty days.

3. COA 09-38 [RECOMMENDED]

Dearinger & Klindt Chiropractic propose to replace their free-standing and railing-mounted signs at 107 N. Fifth St. with new signs. The railing sign will be 9 1/2" x 28" and the free standing sign will be 4' x 5' with the posts and most of the lettering will be Benjamin Moore HC-156 Van Deusen Blue (balance of lettering to be black).

Recommendation: To recommend approval of the proposal to replace two signs at 107 N. Fifth St., as specified in this application.

4. COA 09-39 [RECOMMENDED]

Bardstown Radio Team, LLC proposes to remove the picket fence in front of their property at 106 S. Third St. (WBRT) to allow for a better visual view of the landscaping and building.

Recommendation: To recommend approval of the proposal to remove the picket fence in front of 106 S. Third St. (WBRT), as specified in this application.

5. COA #09-40 [RECOMMENDED]

Brandy Miller erected a wood privacy fence at 207 E. John Fitch Ave. in June, visible from the street, without a COA. Staff sent her a certified letter, including a COA application, on June 19 requesting that she submit the COA by the July 3rd deadline for the July 13 HRB meeting. Staff sent another certified letter on July 7 informing her that she had 30 days to remove the fence, submit a COA, or face legal action. Ms. Miller submitted the COA application, with fee, on August 5.

Recommendation: To recommend approval of the wood fence that has been erected at 207 E. John Fitch Ave., as specified in this application.

B. Staff Approvals [AFFIRMED]

1. Staff approval given on August 3 to Goldmark Realtors for a temporary (7 days) banner to be displayed in their parking lot on Old Bloomfield Rd.

2. Staff approval given on August 4 to Sheila Burke to remove a storm-damaged maple tree at the front of her residence at 112 S. Fifth St. Tree will be replaced after stump is removed.

3. Staff approval given on July 10 to Wilson & Muir Bank to remove two dying honey locust trees in their parking lot.

Pen Bogert, for Don Parrish, Chair of the Bardstown Historical Review Board

UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATIONS FROM THE HISTORICAL REVIEW BOARD WERE APPROVED.

MINUTES

The minutes from the 8-11-09 regular City Council meeting were then presented and **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THEY WERE APPROVED.**

DOWNTOWN STREETSCAPE PROJECT PHASE II

Mayor Heaton reviewed the latest version of Phase II of the project with the Council and noted a change to the area in front of the old library site, the northwest quadrant. This area would mirror the area by the John Fitch Memorial site on the northeast quadrant. The Mayor reported that he had met with the Transportation Cabinet and there should be an announcement regarding the TEA-21 funds available in the next thirty days. Construction cannot begin until funding is in place. The

corrected plan will be sent to the Historical Review Board. David Hall was recognized and had questions on the plans and Tom Hall suggested placing traffic cones at the new radius of the Court House to see if large trucks could drive through without problems. Mayor Heaton advised him that virtual simulations had been completed by the Department of Transportation on this location and no problems were revealed.

WATERMAIN TO NELSON COUNTY INDUSTRIAL PARK

Public Works and Engineering Director Hamilton distributed a drawing and budget on the project and spoke regarding the Mago pump station and water line to the 750,000 gallon tank in the Nelson County Industrial Park. The project will double the water supply in the east end of the City. He then discussed funding possibilities of either a Kentucky Infrastructure Authority grant or the use of municipal bonds. **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THE MAYOR WAS AUTHORIZED TO EXECUTE THE CONTRACT WITH KENVIRONS FOR THE ENGINEERING OF THE PROJECT. The total project cost estimate is \$1,611,000.**

REAPPOINTMENT

Mayor Heaton said that he would like to reappoint Jan Johnston to another four-year term on the Removal of Architectural Barriers Committee. **UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, THE REAPPOINTMENT WAS APPROVED.**

MUNICIPAL ORDER NO. 2009-13-ASSESSMENT MORATORIUM CERTIFICATE-103 EAST STEPHEN FOSTER

The Municipal Order was presented for an assessment moratorium certificate for property owned by Bill and Donna Ellis located at 103 East Stephen Foster Avenue. A discussion followed in which it was questioned whether the work had begun on the property prior to the application date of August 14, 2009. **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE MATTER WAS TABLED AND THE ASSISTANT CITY ADMINISTRATOR WILL REVIEW THE APPLICATION AND HAVE CLARIFICATION AND RECOMMENDATION AT THE NEXT COUNCIL MEETING.**

PARKING ON NORTH THIRD STREET

City Civil Engineer Greenwell handed out a drawing of proposed parking spaces on North Third Street from West Brashear to West Broadway Avenues per a request from the Bardstown Baptist Church. The City will need to obtain an encroachment permit from the state and agree to mark and maintain the spaces. Public Works and Engineering Director Hamilton and Greenwell discussed painting and thermal plastic labeling possibilities. **UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, IT WAS APPROVED TO PROCEED WITH THE PERMIT PROCESS AND STUDY BOTH PAINT AND THERMAL PLASTIC COST ESTIMATES.**

DRAINAGE/CURB AND GUTTER WORK COMPLETED

The Mayor reported that the drainage improvements on South Third Street and curb and gutter work on South Fourth Street were complete. Both jobs were done by Public Works Superintendent Mike Burba and the City's Public Works crew. He praised the work of the department and said that it was a job well done and a nice improvement in both areas.

CEMETERY COMMITTEE MEETING

Councilman Simpson reported on the Cemetery Committee meeting that was held on August 12, 2009. He said that a request was received from Mr. and Mrs. Jerry Montgomery to swap some grave spaces in the cemetery. The committee will review the request and have an answer by the next committee meeting. A number of complaints had been received about people blocking the drive at the back road of the cemetery. Public Works Superintendent Mike Burba designed a pull-off area to help eliminate the problem.

24/48 HOUR EMPLOYEES FOR FIRE DEPARTMENT

Assistant City Administrator Green reported that the Classification Plan/Compensation Plan would be updated to include two 24/48 Hour positions in the Fire Department. The matter will be further discussed at the 9/2/09 Working Session with the Fire Chief.

POLICE DEPARTMENT REPORT

Police Chief Marksby reported that all went well over the busy weekend with the Buttermilk Days Celebration, Nazareth Homecoming and other scheduled events.

ESPN360 MEMO

City Electrical Engineer Mills distributed a memo regarding a possible launch of a new service from ESPN that is Internet based. It is known as ESPN360 and is a 24/7 broadband sports television network and gives consumers control over their broadband sports viewing experience. The matter will be further discussed at the 9/2/09 Working Session.

CITY AUDIT

Chief Financial Officer Abell updated the Council on the City Audit and said that City Accountant Kerry Greenwell would be off work on maternity leave.

CMOM DATA

The Public Works and Engineering Director reported on the Sanitary Sewer System Capacity, Management, Operation and Maintenance Plan that was included with the agenda. It is a thorough account of the City's sewer system for the Council's review and the Kentucky Division of Water approval.

CEMETERY DEED

A cemetery deed for Robert Hillard for four grave spaces was presented and **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, IT WAS APPROVED.**

EXECUTIVE SESSION PURSUANT TO KRS 61.810 B

Mayor Heaton said that the Council needed to go into an Executive Session pursuant to KRS 61.810 B, to discuss the future acquisition or sale of real property. **UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN SHECKLES AND CARRIED BY A VOTE OF 6 TO 0, THE COUNCIL WENT INTO AN EXECUTIVE SESSION.**

UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN SHECKLES AND CARRIED BY A VOTE OF 6 TO 0, THE COUNCIL CAME OUT OF EXECUTIVE SESSION.

The minutes will reflect that no action was taken during the Executive Session.

ADJOURNMENT

Being no further business to discuss and **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THE MEETING WAS ADJOURNED AT 8:55 PM.**

CITY OF BARDSTOWN

ATTEST:

J. Richard Heaton, Mayor

Bobbe Blincoe, City Clerk